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COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Grenada

1. At its 607th to 608th meetings (see CRC/C/SR.607-608), held on 24 January 2000, the Committee on the Rights of the Child considered the initial report of Grenada (CRC/C/3/Add.55), which was submitted on 24 September 1997, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report which followed the established guidelines and provided a critical assessment of the situation of children. The Committee regrets that the written replies to its list of issues (CRC/C/Q/GREN/1) were not received in advance of the dialogue. The Committee is encouraged by the constructive and open dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

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* At the 615th meeting, held on 28 January 2000.

B. Positive aspects

3. The Committee welcomes the National Coalition on the Rights of the Child established to coordinate, monitor and evaluate the implementation of the principles and provisions of the Convention. The Committee notes with appreciation that the National Coalition has been instrumental in initiating a number of programmes to improve the situation of children and raise public awareness about the Convention, including the establishment of the Grenada Adoption Board in 1994, and the initiation and drafting of the Child Protection Act.

4. The Committee notes the efforts of the State party in the area of primary health care services. In particular, it notes the high immunization and low malnutrition rates. In this regard, the Committee also welcomes the enactment of the School Children Immunization Act, which facilitates the immunization of all children at the pre-school and primary school levels.

5. The Committee appreciates the State party's initiatives in the school environment. In this regard, it welcomes the establishment of a school nutrition programme for children enrolled at the pre-school and primary school levels, and the textbook programme established to help children from economically disadvantaged families to acquire books and other relevant learning materials needed to enhance their educational opportunities. The Committee also notes with appreciation the establishment of the Programme for Adolescent Mothers which offers educational programmes, skills-training and child-care services to pregnant teenagers and teenage mothers who are no longer in the school system. The Committee welcomes the introduction of Health and Family Life Education as a core subject in the primary school curriculum.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, it notes the impact of the structural adjustment programme and the increasing level of unemployment and poverty. The Committee also notes the vulnerability of the State party to natural disasters, particularly hurricanes, which has impeded the full implementation of the Convention. The Committee further notes that the limited availability of skilled human resources, compounded by the high rate of emigration, also adversely affects the full implementation of the Convention.

D. Subjects of concern and Committee recommendations

D.1. General measures of implementation

Legislation

7. The Committee notes the recent efforts by the State party to enact additional legislation to ensure greater consistency with the Convention. In this regard, it notes the enactment of the Status of the Child Act (1991), the Maintenance Amendment Act No. 54 (1991), the Drug Abuse (Prevention and Control) Act No. 7 (1992), the Criminal Code (Amendment)

Act No. 16 (1993), the Adoption (Amendment) Act No. 17 (1994) and the Child Protection Act (1998). The Committee also notes the intention of the State party to commission a review of all legislation relevant to children with a view to introducing a comprehensive children's code. The Committee is concerned, however, that domestic legislation still does not fully reflect the principles and provisions of the Convention. The Committee notes with concern that the Family Court Act has been rescinded and that insufficient efforts have been made to introduce adequate alternative measures to protect and strengthen family relations. **The Committee recommends that the State party proceed, at the earliest possible opportunity, with its plan to undertake legislative review to ensure greater consistency with the principles and provisions of the Convention and facilitate the adoption of a comprehensive children's rights code. The Committee further recommends that the State party take all necessary measures to re-enact the Family Court Act or introduce adequate alternative legal measures to protect and strengthen family relations. In this regard, the Committee further recommends that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.**

Data collection

8. The Committee notes the State party's participation in a regional initiative funded by the Caribbean Development Bank for the collection, collation and publication of data, based on social development indicators, among the member countries of the Organization of Eastern Caribbean States. The Committee also notes the intention of the State party to establish a central registry for data collection within the Ministry of Finance. The Committee remains concerned, however, at the lack of a data collection mechanism in the State party to afford the systematic and comprehensive collection of desegregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children, in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. **The Committee recommends that the State party intensify its efforts to establish a central registry for data collection and introduce a comprehensive system of data collection incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities; children living in poverty; children in the juvenile justice system; children of single-parent families; sexually abused children; and institutionalized children.**

Independent monitoring structures

9. The Committee notes the State party's intention to establish an Ombudsperson. **The Committee recommends that the State party reinforce its efforts to establish an independent Ombudsperson, to deal with complaints of violations of the rights of children and to provide remedies for such violations. The Committee further suggests that the State party introduce an awareness raising campaign to facilitate the effective use by children of such a mechanism.**

Allocation of budgetary resources

10. The Committee notes the intention of the State party to provide financial and other assistance to the National Coalition on the Rights of the Child and to increase budgetary allocations with regard to some children's programmes, within the context of economic growth. However, the Committee remains concerned that, in the light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children "to the maximum extent of ... available resources". **In the light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.**

Dissemination of the Convention

11. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, through the training of teachers and magistrates, the production of programmes such as "Olivia's Plight", the publication of the handbook "Child Abuse - What Can I Do?", the printing and distribution of posters and flyers, as well as the production and broadcasting of radio and television programmes for and about children, the Committee remains concerned that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights based approach enshrined therein. **The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists and social workers, and personnel of child-care institutions. The Committee encourages the State party to reinforce its efforts to raise the awareness of the media on the rights of the child. It further suggests that the State party seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and UNESCO.**

D.2. Definition of the Child

Criminal responsibility

12. The Committee expresses concern regarding the low legal age for criminal responsibility (7 years). **The Committee recommends that the State party raise the legal age for criminal responsibility to a more internationally acceptable age, by reviewing its legislation in this regard.**

D.3. General principles

Non-discrimination

13. While acknowledging the difficulties that girls continue to face in many areas, the Committee is also concerned about the situation of boys, particularly as regards their generally "low self-esteem" and academic under-achievement in comparison to that of girls. **The Committee recommends that the State party undertake a study on child rearing practices and how they affect boys and girls. The Committee further recommends that the State party implement programmes to address the self-esteem of boys and address discrimination arising from the socialization of boys and girls into rigid gender roles and the resulting determination of family and social attitudes concerning children based on gender.**

14. The Committee is concerned that the Criminal Code does not provide boys the same legal protection against sexual abuse and exploitation as girls. In this regard, the Committee notes that the Code refers to the protection of the "female child" only. **The Committee recommends that the State party amend its legislation to ensure that boys are provided equal and adequate protection against sexual abuse and exploitation.**

Respect for the views of the child

15. The Committee notes the intention of the State party to reintroduce student councils in schools as a first step in encouraging greater acceptance of the participatory rights of children. However, it is concerned that the full implementation of article 12 of the Convention continues to be limited by traditional practices, culture and attitudes which promote the philosophy that "children should be seen and not heard" and that "children are the property of their parents". **The Committee recommends that the State party seek to reinforce the necessary infrastructure and develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family, communities, schools, and care, administrative and judicial systems.**

D.4. Civil rights and freedoms

Birth registration

16. The Committee notes that the State party has enacted domestic legislation to guarantee registration at birth (the Registration of Births and Deaths Act), but is concerned that some children are still not registered at birth and are not given a name until their baptism, which could be three or four months after their birth. **In the light of articles 7 and 8 of the Convention, the Committee recommends that the State party undertake all necessary measures, including awareness raising among government officers, community and religious leaders, and parents themselves, to ensure that all children are registered and given a name at birth.**

D.5. Family environment and alternative care

Parental responsibilities

17. The Committee shares the concern of the State party over the challenges faced by children as a result of changes in social and family structures which lead to high numbers of single-parent households and reduced support from extended families. The Committee also expresses concern at the apparent lack of legal protection with respect to the rights, including maintenance and inheritance rights, of children born out of wedlock in "visiting" or "common law" relationships. The Committee expresses further concern regarding the financial and psychological impact of these types of relationships on children. The lack of sufficient support and counsel in the areas of parental guidance and responsibilities are also matters of concern. **The State party is encouraged to increase its efforts to develop family education and awareness through, inter alia, providing support, including training for parents, especially those in "visiting" and "common law" relationships, in parental guidance and joint parental responsibilities, in the light of article 18 of the Convention. The Committee also recommends that the State party undertake a study on the impact (both financial and psychological) of "visiting relationships" on children. The Committee further recommends that the State party take all necessary measures, including those of a legal nature, to ensure that the rights of children born of "visiting" and "common law" relationships are protected.**

Protection of children deprived of a family environment

18. The Committee is concerned that the State party has not established and implemented a code of standards for alternative care institutions for children. The Committee also expresses concern regarding the absence of an independent complaint mechanism for children in alternative care institutions, the inadequate review of their placement in institutions, as well as the lack of available trained personnel in this field. **It is recommended that the State party establish a code of standards to ensure adequate care and protection of children deprived of a family environment. The Committee recommends that the State party provide additional training, including in children's rights, for social and welfare workers, ensure the periodic review of placements in institutions and establish an independent complaints mechanism for children in alternative care institutions.**

Domestic and intercountry adoptions

19. While the Committee notes the recent enactment of the Adoption (Amendment) Act and the appointment of the Adoption Board, it remains concerned at the lack of monitoring with respect to both domestic and intercountry adoptions. The Committee also expresses its concern at the high number of intercountry adoptions, particularly in the light of the small size of the State party. The Committee is also concerned about the apparent gender bias in favour of girls in the adoption process. **In the light of article 21 of the Convention, the Committee recommends that the State party introduce proper monitoring procedures with respect to both domestic and intercountry adoptions. The Committee recommends that the State party undertake a study to assess the situation and determine the impact of intercountry adoptions and to determine why girls are favoured over boys in the adoption process.**

Additionally, the Committee encourages the State party to consider the possibility of acceding to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

Abuse/neglect/maltreatment/violence

20. The Committee welcomes the recent initiatives of the State party to address the issues of child abuse and domestic violence, including the establishment of a Crisis hotline for domestic violence and child abuse as well as the opening of an emergency shelter for battered women and their children. Additionally, the Committee notes the efforts of the State party to train teachers and police officers and to sensitize the media and the general public on child abuse. The Committee further notes the intention of the State party to include a child abuse register as a part of the social and economic survey which is scheduled to commence January 2000. The Committee remains concerned at the lack of awareness and information on domestic violence, ill-treatment and abuse of children, including sexual abuse; and the insufficient financial and human resources allocated, as well as the inadequate programmes established to prevent and combat these abuses. The Committee is also concerned that insufficient efforts have been made to protect the right to privacy of child victims of abuse. **In the light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and sexual abuse in order to adopt adequate policy measures and contribute to changing traditional attitudes. It also recommends that cases of domestic violence, ill-treatment and sexual abuse of children be properly investigated within a child-friendly judicial procedure, and sanctions applied to perpetrators including treatment, with due regard given to protecting the right to privacy of the child. Measures should also be taken to ensure the physical and psychological recovery and social reintegration of victims, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.**

Corporal punishment

21. The Committee expresses grave concern that corporal punishment is still widely practised in the State party and that domestic legislation does not prohibit its use. **In this regard, the Committee recommends that the State party take all appropriate measures, including of a legislative nature, to prohibit corporal punishment within the family, schools, the juvenile justice and alternative care systems and generally within the society. It further suggests that awareness raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28.2.**

D.6. Basic health and welfare

Right to health and access to health services

22. The Committee expresses its concern with respect to the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including accidents, violence, suicide, mental health, abortion, HIV/AIDS and STDs. The

Committee is particularly concerned with the high incidence of teenage pregnancy and the situation of teenage mothers, especially in relation to their late attendance at antenatal clinics as well as their generally poor breast-feeding practices. The Committee is concerned that most of the current cases of infant and maternal mortality are related to teenaged mothers. **The Committee recommends that the State party increase its efforts in promoting adolescent health policies and counselling services, as well as strengthening reproductive health education, including the promotion of male acceptance of the use of contraceptives. The Committee further suggests that a comprehensive and multi-disciplinary study be undertaken to understand the scope of adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, and making efforts to increase the number of social workers and psychologists, to develop youth-friendly care, counselling and rehabilitation facilities for adolescents. The Committee also encourages the State party to develop comprehensive policies and programmes to reduce the incidence of infant and maternal mortality and promote proper breast-feeding and weaning practices among teenaged mothers. In this connection, it is also recommended that the State party consider seeking technical assistance for the integrated management of childhood illnesses and other measures for child health improvement from, inter alia, UNICEF and the World Health Organization.**

Children with disabilities

23. While noting the recent appointment in the State party of a clinical psychologist to deal with the mental health of children, the Committee remains concerned about the situation of mental health of children. The Committee expresses its concern at the absence of legal protection and the lack of adequate facilities and services for children with disabilities. The Committee is also concerned that insufficient efforts have been made by the State party to facilitate the inclusion of children with disabilities in the educational system and generally within society. The Committee notes with concern that the effectiveness of the Early Intervention Programme for Children with Disabilities has been impeded by a lack of human and financial resources. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly Resolution 48/96) and the Committee's recommendations adopted at its Day of General Discussion on the Rights of Children with Disabilities (CRC/C/69), it is recommended that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee recommends that the State party take all appropriate measures to ensure that adequate resources are allocated for the effective implementation of the Early Intervention Programme for Children with Disabilities. The Committee recommends that the State party undertake a study on the situation of mental health with a view to addressing this increasing concern. Further, the Committee recommends that the State party undertake an awareness raising campaign to sensitize the public to the rights and special needs of**

children with disabilities as well as children with mental health concerns. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities from, inter alia, the World Health Organization.

Environmental health

24. While noting the State party's intention to improve the situation of environmental health services through, inter alia, the establishment of a Solid Waste Management Authority and the expansion of the collection areas from 55 per cent to approximately 95 per cent, the Committee remains concerned at the poor environmental health conditions. In this connection, the Committee notes the continued widespread use of pit-latrines, increasing sea pollution, and the inadequate solid waste disposal programme. **The Committee recommends that the State party intensify its efforts to address environmental health concerns, particularly as regards solid waste management.**

D.7. Education, leisure and cultural activities

Right and aims of education

25. While recognizing the efforts made by the State party in the area of education, the Committee remains concerned with the high incidence of truancy (in particular for boys), limited access to secondary education, lack of relevant learning material, insufficient numbers of trained qualified teachers, and the tendency towards the use of teaching methods that are almost exclusively examination oriented. Concern is also expressed at the increasing incidence of violence among students. The Committee notes with concern that insufficient resources have been allocated to ensure the sustainability of the school nutrition programme. The Committee is also concerned about the lack of health and counselling services in schools. **The Committee recommends that the State party review its educational programme with a view to improving its quality and relevance and ensuring that students are taught an adequate mix of academic subjects and life skills, including communication, decision-making and conflict resolution skills. The Committee recommends that the State party take all appropriate measures to increase access to secondary education. The Committee further recommends that the State party seek to implement additional measures to encourage children, especially boys, to stay in school, particularly during the period of compulsory education. In this regard, the Committee urges the State party to take all necessary measures to ensure that adequate resources are allocated to the school nutrition programme and that adequate health and counselling services be made available in schools. It is also recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO.**

D.8. Special protection measures

Economic exploitation

26. The Committee welcomes the State party's willingness to consider the ratification of ILO Convention No. 138 concerning Minimum Age for Admission to Employment and to increase

the legal minimum age for employment from 14 to 15 years. In the light of the current economic situation in the State party and the high truancy and drop out rates, particularly among males, the Committee is concerned about the lack of information and adequate data on the situation of child labour and economic exploitation in the State party. **The Committee encourages the State party to introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, particularly in the informal sector. It is further recommended that the State party undertake a comprehensive study to assess the situation of child labour. The Committee encourages the State party to consider ratifying ILO Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Elimination of the Worst Forms of Child Labour.**

Drug abuse

27. The Committee notes the efforts of the State party at both the national and regional levels regarding drug demand reduction and narcotics control. However, the Committee remains concerned at the high incidence of alcohol and substance abuse among youth and the limited psychological, social and medical programmes and services available in this regard. **In the light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including administrative, social and educational measures, to protect children from the illicit use of alcohol, narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. It encourages the State party to support rehabilitation programmes for child victims of alcohol, drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF and the World Health Organization.**

Administration of juvenile justice

28. While the Committee notes the State party's intention to establish a juvenile justice system, it is concerned about:

(a) The lack of efficient and effective administration of juvenile justice and in particular its lack of compatibility with the Convention, as well as other relevant United Nations standards;

(b) The length of time before the hearing of juvenile cases and the apparent lack of confidentiality accorded to such cases;

(c) The holding of minors in adult detention facilities, the lack of adequate facilities for children in conflict with the law and the limited numbers of trained personnel to work with children in this regard.

The Committee recommends that the State party:

(a) Take additional steps to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the

Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Use deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including the right to privacy; ensure that children remain in contact with their families while in the juvenile justice system; and prohibit and eradicate the use of corporal punishment (whipping) in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(d) Consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

D. 9. Dissemination of the report

29. Finally, **the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**

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